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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**
19

20 IN RE: UBER TECHNOLOGIES, INC.,
21 PASSENGER SEXUAL ASSAULT
LITIGATION

22 This Document Relates to:

23 ALL ACTIONS
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Case No. 3:23-md-03084-CRB

**DECLARATION OF RANDALL S.
LUSKEY IN SUPPORT OF STIPULATION
REGARDING EXTENDED BRIEFING
SCHEDULE FOR TERMS OF USE MOTION**

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

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DECLARATION OF RANDALL S. LUSKEY

I, Randall S. Luskey, declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I respectfully submit this declaration in support of Uber’s Stipulation and [Proposed] Order Regarding Extended Briefing Schedule for Terms of Use Motion. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so.

2. The Court ordered Uber to “file any pretrial motion raising arguments about its Terms of Use Agreement(s) and their effect on Plaintiffs’ ability to bring their claims in a coordinated or consolidated proceeding (the ‘Terms of Use Motion’)” by February 9, 2024. Pretrial Order No. 5, ECF 175 at 5. The Court further ordered Plaintiffs to file their oppositions to any such motion by February 23, 2024, and Uber to file any replies in support of such motion by March 1, 2024. Id.

3. On February 7, 2024, pursuant to the parties’ February 6, 2024, stipulation, the Court ordered that Uber shall be granted an additional 15 pages for its Terms of Use Motion (for a total of 30 pages), due February 9, 2024; Plaintiffs shall be granted an additional 15 pages for their Opposition brief (for a total of 30 pages), due March 8, 2024; and Uber’s Reply shall be due March 22, 2024. ECF 252 at 7. The Court further ordered that a “hearing on the Motion shall be set for a date and time deemed suitable by the Court.” Id.

4. Uber filed its Terms of Use Motion on February 9, 2024. ECF 257.

5. The parties have agreed to extend the deadline for Plaintiffs’ Opposition brief to the Terms of Use Motion to March 12, 2024, and to extend the deadline for Uber’s Reply to April 2, 2024.

6. If the Court grants the parties’ Stipulation Regarding Extended Briefing Schedule for Terms of Use Motion, Plaintiffs’ Opposition will be due on March 12, 2024, and Uber’s Reply will be due on April 2, 2024. It is anticipated that this request will not otherwise impact the schedule of this action.

1 7. To the best of my knowledge, the previous time modifications in this case, whether
2 by stipulation or Court order are:

- 3 a. On December 14, 2023, the Court granted the stipulation to extend the deadline for
4 filing the joint submission required by Pretrial Order No 4. to December 21, 2023
5 (ECF 158);
- 6 b. On December 14, 2023, the Court granted the stipulation to extend the deadline for
7 filing the joint proposed conference agenda to January 15, 2024 (ECF 158);
- 8 c. On December 18, 2023, the Court granted the stipulation to shorten Defendants'
9 deadline to respond to Plaintiffs' motion to enforce Pretrial Order No. 2 and to
10 compel Defendants to produce litigation hold and preservation information to
11 December 22, 2023 (ECF 163);
- 12 d. On January 11, 2024, the Court granted the stipulation to extend the deadline for
13 filing joint or competing fact sheets and supporting statements to January 24, 2024
14 (ECF 198);
- 15 e. On January 17, 2024, the Court granted the stipulation to extend Defendants'
16 deadline to respond to Plaintiffs' administrative motion to consider whether another
17 party's material should be sealed to January 23, 2024 (ECF 209);
- 18 f. On January 24, 2024, the Court granted the stipulation regarding the extension of
19 time in which to submit proposed privilege orders to January 26, 2024 (ECF 223);
- 20 g. On January 24, 2024, the Court granted the stipulation regarding the extension of
21 time for filing proposed joint or competing fact sheets and supporting statements to
22 January 31, 2024 (ECF 223); and
- 23 h. On February 5, 2024, the Court granted the stipulation extending the time to submit
24 a joint or competing ESI protocol to February 12, 2024 (ECF 247).
- 25 i. On February 7, 2024, the Court granted the stipulation extending Plaintiffs' deadline
26 to file opposition to the Terms of Use Motion to March 8, 2024 (ECF 252);
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- j. On February 7, 2024, the Court granted the stipulation extending Defendants' deadline to file a reply in support of the Terms of Use Motion to March 22, 2024 (ECF 252);
- k. On February 13, 2024, the Court ordered that the deadline for Defendants' response to Plaintiffs' motion to shorten time for Defendants' response to Plaintiffs' motion to enforce Pretrial Order No. 5 was shortened to February 14, 2024 (ECF 264);
- l. On February 16, 2024, the Court ordered that the deadline for Defendants' response to Plaintiffs' motion to enforce Pretrial Order No. 5 was shortened to February 23, 2024 (ECF 273);
- m. On February 16, 2024, the Court granted the stipulation to extend the time for plaintiffs from five cases to submit the ride receipt information required by Pretrial Order No. 5 to February 22, 2024 (ECF 274);
- n. On February 23, 2024, the Court granted the stipulation extending the time to submit a joint or competing deposition and expert discovery protocols to February 27, 2024 (ECF 285);
- o. On February 27, 2024, the Court granted the stipulation extending Defendants' deadline to serve Rule 26 initial disclosures to March 7, 2024 (ECF 297);
- p. On March 1, 2024, the Court granted the stipulation extending the deadline for filing joint or competing proposals regarding the form and procedure for short form complaints to March 5, 2024 (ECF 315).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 7, 2024, in San Francisco, California.

/s/ Randall S. Luskey
Randall S. Luskey